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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-------------------------|---------------------|--------------------|
| 10/702,365 | 11/06/2003 | Steven Michael Freedman | 1322/158 | 8504 |
| 25297 | 7590 | 09/28/2006 | EXAMINER | |
| JENKINS, WILSON, TAYLOR & HUNT, P. A. 3100 TOWER BLVD SUITE 1200 DURHAM, NC 27707 | | | | NGUYEN, STEVEN H D |
| ART UNIT | | PAPER NUMBER | | |
| | | 2616 | | |

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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| | | |
|------------------------------|------------------------|--------------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/702,365 | FREEDMAN, STEVEN MICHAEL |
| | Examiner | Art Unit |
| | Steven HD Nguyen | 2616 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 July 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-4,6-15,17-23 and 25-29 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-4,6-15,17-23 and 25-29 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/11/06</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/11/06 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 22-23 and 24-29 rejected under 35 U.S.C. 101 because the claimed invention which recites a computer program product comprising a computer executable instructions embodied in a computer readable medium is directed to non-statutory subject matter because it does not recites a computer program product comprising a computer executable instructions stored in a computer readable medium, when executed by a computer.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4, 6-12, 14-15, 17-23 and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Brehm (US 6282267).

Regarding claims 1-2, 12 and 22, Brehm discloses a system for automated analysis of signaling link utilization, the system comprising a message copy function for copying signaling messages such SS7 from a plurality of different signaling links (Fig 4, Ref 310); a link utilization application operatively associated with the message copy function for generating link utilization data based on the copied signaling messages and for displaying the link utilization data to the user via a link utilization screen, the displayed link utilization data including a graph of signaling link occupancy per unit time for at least one signaling link, the graph including a plurality of portions indicating signaling link occupancies at different times; and (Figs 5-8 discloses application for generating information from the captured signaling messages from the links and displaying the information to the user wherein the information are displayed in graph having a occupancy unit time and plurality of portions indicates an occupancy at different times for the link “Fig 8, Ref 318”); and an automated link utilization analyzer (Figs 5-8) operatively associated with the link utilization application for receiving input from the user via the link utilization screen for selecting one of portions for, in response to the input from the user, automatically extracting corresponding signaling message information from a database and displaying the extracted signaling message information to the user, the displayed singling message information includes signaling message types for signaling message corresponding to the selected portion of the graph (Figs 5-8, Ref 318 a user selects a portion of graph, the information of this portion will be displayed in detail on the screen of the monitor (Page 8, Sec 60).

Regarding claim 14, Berhm discloses that the message copy function is located on a stand-alone network monitoring platform (Fig 4, Ref 310).

Regarding claims 4, 15 and 23, Berhm discloses that the link utilization application is adapted to count the number of signaling messages traversing each of the signaling links in a predetermined time period (Fig 4, Ref 404, Figs 5-7, Ref 310 and Page 8, Sec 57).

Regarding claims 6, 17 and 25, Berhm discloses that the link utilization application is adapted to display the link utilization data to the user in tabular format (Figs 5-8, Ref 318).

Regarding claim 7, Berhm discloses that receiving input from the user regarding a portion of the link utilization data that the user desires to analyze includes receiving coordinates on a signaling link utilization graph selected by the user and determining signaling link utilization data corresponding to the selected coordinates (Fig 8, Ref 318, Page 8, Sec 60).

Regarding claim 18, Berhm discloses that the automated link utilization analyzer is adapted to extract signaling message copies from the database and display the signaling message copies to the user (Figs 5-8, Ref 318, Page 9, Sec 65).

Regarding claims 10, 19 and 29, Berhm discloses that the automated link utilization analyzer is adapted to display selected fields from copied signaling messages to the user (Figs 5-8, Ref 318, Page 9, Sec 65).

Regarding claim 20, Berhm discloses that the automated signaling link analyzer is adapted to automatically launch, from the link utilization screen, a protocol analysis application for extracting the signaling message information (Figs 4-8 discloses the software are automatically launch to extract the signaling message information).

Regarding claims 11 and 21, Berhm discloses that the selected link utilization data and the corresponding signaling message data consist of data regarding a single signaling link (Fig 8, Page 7, Sec 53).

Regarding claim 26, Berhm further discloses that receiving input from the user regarding a portion of the link utilization data that the user desires to analyze includes receiving a point on a signaling link utilization graph selected by the user and determining signaling link utilization data closest to the point (Fig 8 and Page 8, Sec 60).

Regarding claims 8 and 27, Berhm discloses that automatically extracting the signaling message data includes automatically launching a protocol analysis application from the signaling link utilization screen in response to receiving the input from the user (Figs 4-8).

Regarding claims 9 and 28, Berhm discloses that displaying the signaling message data to the user via computer display device includes displaying copies of signaling messages corresponding to the link utilization data to the user (Figs 4-8, the signaling information are copied from database).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Berhm in view of Spangler (US 6327350).

Regarding claim 3, Berhm differs from the claimed invention in that Nolting does not specifically disclose that the copying signaling messages includes copying IP telephony signaling messages. However, Spangler discloses the copying signaling messages includes copying IP telephony signaling messages (col. 3 lines 51-54). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include a network interface for copying IP telephony signaling messages as taught by Spangler et al. in the assembly of Nolting in order to accommodate different signaling protocols.

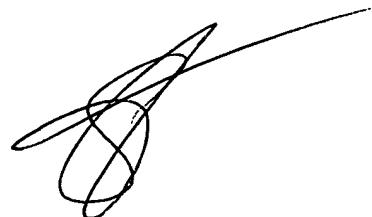
Regarding claim 13, Brehm fails to disclose that the message copy function is internal to a signaling message routing node. However, the examiner takes an official notice that a method and system for integrating the message copy function into a node is well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply this well known method into the teaching of Brehm because Brehm discloses a monitor device which is placed outside the STPs.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Steven HD Nguyen
Primary Examiner
Art Unit 2616
September 21, 2006